

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

LUZ MARIA GUZMAN RIVERA,

Plaintiff,

v.

Case No: 6:19-cv-1766-Orl-18GJK

**COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

ORDER

This case was referred to the United States Magistrate Judge for a report and recommendation on Defendant Commissioner of Social Security's Opposed Motion for Entry of Judgment with Remand, filed on February 27, 2020 (Doc. 18). After review of the Report and Recommendation entered on March 10, 2020 (Doc. 20), and noting no timely objections have been filed, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. United States Magistrate Judge Thomas B. Smith's Report and Recommendation (Doc. 20) is **APPROVED** and **ADOPTED** and made part of this Order for all purposes, including appellate review.

2. Defendant Commissioner of Social Security's Opposed Motion for Entry of Judgment with Remand (Doc. 18) is **GRANTED**.

3. The Commissioner's decision is **REVERSED** and **REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g), with directions to the Commissioner and the Administrative Law Judge ("ALJ") to consider and decide:

(a) whether Plaintiff Luz Maria Guzman Rivera, having turned 55 years old, has transferable skills, then apply the correct Grid rule for the period beginning on

Plaintiff's 55th birthday and, if necessary, obtain supplemental vocational expert testimony;

(b) whether the ALJ properly assessed Plaintiff's Residual Functional Capacity ("RFC");

(c) whether the ALJ applied the proper legal standards in assessing a "light" RFC for Defendant;

(d) whether the ALJ's decision reconciles her findings with the applicable regulations; and

(e) whether the ALJ provided a meaningful explanation of the consideration given to Plaintiff's ongoing headaches;

4. The Clerk of Court is directed to **ENTER JUDGMENT** accordingly and **CLOSE** the case.

Plaintiff Luz Maria Guzman Rivera may file a motion for attorney's fees and costs pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(a) and (d).

DONE and ORDERED in Orlando, Florida, this 6 day of Apr., 2020.



G. KENDALL SHARP
SENIOR UNITED STATES DISTRICT JUDGE

Copies to:

Counsel of Record